

IN THE CLAIMS

1. (Currently Amended) A call controller, comprising:
 - a processor configured to monitor call signaling for a media call between a first endpoint and a second endpoint and dynamically determine whether or not to selectively insert a media proxy into a call path associated with the call signaling according to a network proximity between the first and second endpoints;
 - wherein the network proximity corresponds with a network topology relationship of the first endpoint and the second endpoint; and
 - wherein the processor is further configured to:
 - identify when the first endpoint does not adequately support a quality of service reservation protocol;
 - cause the media proxy to conduct a quality of service reservation for the call path on behalf of the first endpoint when the first endpoint is identified as not supporting the quality of service reservation protocol and the first and second endpoints are outside of a given network proximity range[[],]; and
 - cause the call path to be established without the media proxy and without conducting a quality of service reservation when the first and second endpoints are within the given network proximity range.

2.-3. (Cancelled)

4. (Original) The call controller according to claim 1 wherein the processor determines the network proximity by applying Internet Protocol (IP) addresses for the first and second endpoints to a subnet mask.

5. (Original) The call controller according to claim 4 wherein the processor receives the subnet mask in the monitored call signaling, the processor not inserting the media proxy into the call path when the first and second endpoints have a same subnet

address and inserting the media proxy into the media path when the first and second endpoints do not have the same subnet address.

6. (Original) The call controller according to claim 4 wherein the processor requests the subnet mask from an IP address assignment server.

7. (Original) The call controller according to claim 1 wherein the processor generates a routing metric value by applying Internet Protocol (IP) addresses for the first and second endpoints to a routing map and uses the routing metric value to determine the network proximity between the first and second endpoints.

8. (Previously Presented) The call controller according to claim 7 wherein the processor operates according to a passive router protocol receiving routing messages and using the received routing messages to update the routing map without ever using the routing map to route IP packets between the first and second endpoints.

9. (Previously Presented) The call controller according to claim 8 wherein the processor inserts the media proxy into the call path when the routing metric value is above a predetermined policy value and does not insert the media proxy into the call path when the routing metric value is below the predetermined policy value.

10. (Currently Amended) A network device, comprising:
a call controller monitoring a first endpoint sending call signaling, wherein the call controller selectively causes quality of service reservation for a media path between the first endpoint and a second endpoint on behalf of at least one of the first endpoint and second endpoint according to a network proximity of the first endpoint with the second endpoint when the network proximity between the first and second endpoints indicate that proper quality of service reservation cannot be achieved and selectively not causing quality of service reservation for the media path on behalf of at least one of the first and second endpoints when the network proximity between the first and second endpoints

indicate that proper quality of service reservation can be achieved, the network proximity corresponding to a network topology relationship of the first endpoint and the second endpoint; and

wherein the call controller ~~monitor~~ is further configured to determine the network proximity by applying Internet Protocol (IP) addresses for the first and second endpoints to a subnet mask and not use quality of service reservation for the media path when the first and second endpoints have a same subnet address and use the quality of service reservation for the media path when the first and second endpoints do not have the same subnet address.

11. (Original) The network device according to claim 10 wherein the call signaling causes a media proxy to be inserted in the media path for performing the quality of service reservation according to the network proximity of the first and second endpoints.

12. (Currently Amended) The network device according to claim 10 wherein the first endpoint sends the ~~the~~ subnet mask along in the call signaling that is used to determine the network proximity between the first and second endpoints.

13. (Cancelled)

14. (Currently Amended) The network device according to claim 10 wherein the quality of service reservation is performed according to a routing protocol metric generated from the Internet Protocol (IP) addresses associated with the first and second endpoints.

15. (Currently Amended) A method for establishing a media stream over a packet switched network, comprising:

dynamically deciding whether to insert a Quality of Service (QoS) intermediary into a media session between two endpoints according to a relative proximity of the two endpoints in the packet switched network;

identifying when at least one of the endpoints does not support a quality of service reservation protocol;

inserting the QoS intermediary into the media session for conducting a quality of service reservation for the media session on behalf of the identified at least one of the endpoints when the at least one of the endpoints is identified as not supporting [[a]] the quality of service reservation protocol and the two endpoints are outside of a relative network proximity range~~[[,]]~~; and

allowing the media session to be established without inserting the QoS intermediary into the media session when the first and second endpoints are within the relative network proximity range.

16. (Original) The method according to claim 15 including inserting the intermediary into the media session according to subnet addresses associated with the two endpoints.

17. (Currently Amended) The method according to claim 16 including:
identifying a range of the subnet addresses; and
inserting the intermediary into the media session when the subnet addresses associated with the two endpoints are within the identified subnet address range.

18. (Previously Presented) The method according to claim 15 wherein the dynamically deciding whether to insert the intermediary into the media session is according to a routing metric associated with the two endpoints.

19. (Currently Amended) The method according to claim 15 including:
passively listening for routing messages sent over the packet switched network;
using the routing messages to update a routing map;

using an Internet Protocol (IP) address for a first one of the endpoints as a local IP address associated with the routing map;

generating a routing metric associated with a shortest path between the first and a second endpoint[[s]] by applying [[an]] the IP address for [[a]] the second one of the endpoints to the routing map; and

selectively inserting the intermediary into the media session according to the generated routing metric.

20. (Currently Amended) A system for establishing a media stream over a packet switched network, comprising:

means for dynamically deciding whether to insert a Quality of Service (QoS) intermediary into a media session between two endpoints according to a relative proximity of the two endpoints in the packet switched network;

means for identifying when at least one of the two endpoints does not adequately support a quality of service reservation protocol;

means for inserting the QoS intermediary into the media session on behalf of the identified at least one of the two endpoints when the at least one of the endpoints is identified as not supporting [[a]] the quality of service reservation protocol and the two endpoints are outside of a given network proximity range, and

means for allowing the media session to be established without inserting the QoS intermediary into the media session on behalf of the identified at least one of the two endpoints when the two endpoints are within the given network proximity range.

21. (Original) The system according to claim 20 including means for inserting the intermediary into the media session according to subnet addresses associated with the two endpoints.

22. (Currently Amended) The system according to claim 21 including:

means for identifying a range of the subnet addresses; and

means for inserting the intermediary into the media session when the subnet addresses associated with the two endpoints are within the identified subnet address range.

23. (Previously Presented) The system according to claim 20 wherein the means for dynamically deciding whether to insert the intermediary into the media session operates according to a routing metric associated with the two endpoints.

24. (Currently Amended) The system according to claim 20 including:
means for passively listening for routing messages sent over the packet switched network;

means for using the routing messages to update a routing map;

means for using an Internet Protocol (IP) address for a first one of the endpoints as a local IP address associated with the routing map;

means for generating a routing metric associated with a shortest path between the first and a second endpoint[[s]] by applying [[an]] the IP address for [[a]] the second one of the endpoints to the routing map; and

means for selectively inserting the intermediary into the media session according to the generated routing metric.

25. (Currently Amended) An electronic storage medium containing software for establishing a media stream over a packet switched network, the software contained in the electronic storage medium when executed comprising:

dynamically deciding whether to insert a Quality of Service (QoS) intermediary into a media session between two endpoints according to a relative proximity of the two endpoints in the packet switched network;

identifying at least one of the two endpoints that does not support a quality of service reservation protocol;

inserting the QoS intermediary into the media session for conducting a quality of service reservation for the media session on behalf of the identified at least one of the two

endpoints when the two endpoints are outside of a network proximity range and the at least one of the endpoints is identified as not supporting ~~[[a]] the~~ quality of service reservation protocol; and

allowing the media session to be established without inserting the QoS intermediary into the media session when the two endpoints are within the network proximity range.

26. (Original) The electronic storage medium according to claim 25 including inserting the intermediary into the media session according to subnet addresses associated with the two endpoints.

27. (Currently Amended) The electronic storage medium according to claim 26 including:

identifying a range of the subnet addresses; and

inserting the intermediary into the media session when the subnet addresses associated with the two endpoints are within the identified subnet address range.

28. (Previously Presented) The electronic storage medium according to claim 25 wherein the dynamically deciding whether to insert the intermediary into the media session is according to a routing metric associated with the two endpoints.

29. (Currently Amended) The electronic storage medium according to claim 25 including:

passively listening for routing messages sent over the packet switched network;

using the routing messages to update a routing map;

using an Internet Protocol (IP) address for a first one of the endpoints as a local IP address associated with the routing map;

generating a routing metric associated with a shortest path between the first and a second endpoint~~[[s]]~~ by applying ~~[[an]] the~~ IP address for a second one of the endpoints to the routing map; and

selectively inserting the intermediary into the media session according to the generated routing metric.